D.B. CIVIL WRIT RESTORATION APPLN. NO.197/2007
IN
D.B. CIVIL SPECIAL APPEAL(W)NO.1249/2006

Prahlad Snehi
Vs.
UBI, Mumbai

DATE OF ORDER :: 14-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Dharmendra Kumar, for the appellant.

By this application the appellant seeks restoration of D.B. Civil Special Appeal(w)no.1249/2006 which was dismissed in default. The Court noticed that earlier also there was non appearance on 23.2.2007 when the case was adjourned with the observation that if on the next date also the appellant or his advocate fails to appear and argue the appeal, the appeal may be dismissed in default.

We called upon the counsel to satisfy us that the restoration would result in injustice notwithstanding that it was a case of successive defaults, and accordingly heard the counsel. The writ petition giving rise to this special appeal had arisen from an order rejecting the appellant's application under Order 11 rules 12 and 14 read with Section 81 of the Code of Civil Procedure in the matter of production/discovery of

documents. We are not satisfied that the documents are relevant for the question involved in the suit. We are thus not inclined to restore the appeal.

The application is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen